

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

FILED
12/17/2018 2:37 PM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2018CH15587

LUCY PARSONS LABS,)
)
Plaintiff,)
) 2018CH15587
v.)
)
CHICAGO POLICE DEPARTMENT,)
)
Defendant.)

COMPLAINT

NOW COMES Plaintiff, LUCY PARSONS LABS, by its undersigned attorneys, LOEVY & LOEVY, and brings this suit to overturn Defendant CHICAGO POLICE DEPARTMENT's refusal, in willful violation of the Illinois Freedom of Information Act, to respond to LPL's Freedom of Information Act requests for records related to facial recognition technology, license plate readers, financial reports and tactical response reports. In support of its Complaint, LPL states as follows:

INTRODUCTION

1. Pursuant to the fundamental philosophy of the American constitutional form of government, it is the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Illinois Freedom of Information Act ("FOIA"). 5 ILCS 140/1.

2. Restraints on access to information, to the extent permitted by FOIA, are limited exceptions to the principle that the people of this state have a right to full disclosure of information relating to the decisions, policies, procedures, rules, standards, and other aspects of

government activity that affect the conduct of government and the lives of the people. 5 ILCS 140/1.

3. All public records of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt. 5 ILCS 140/3.

4. Under FOIA Section 11(h), “except as to causes the court considers to be of greater importance, proceedings arising under [FOIA] shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way.”

PARTIES

5. Plaintiff LUCY PARSONS LABS ("LPL") is the FOIA requester in this case.

6. Defendant CHICAGO POLICE DEPARTMENT ("CPD") is a public body located in Cook County, Illinois.

OCTOBER 9 FOIA REQUEST (LICENSE PLATE READERS)

7. On October 9, 2018, LPL requested from CPD under FOIA “documents sufficient to show the location of every fixed Automatic License Plate Reader system in the City of Chicago.” A true and correct copy of the request is attached as Exhibit A.

8. CPD acknowledged receipt of the request on the same day. A true and correct copy of the acknowledgment is attached as Exhibit B.

9. On October 16, 2018, CPD took a five day extension. A true and correct copy of the extension message is attached as Exhibit C.

10. Over the next month, LPL contacted CPD three times seeking a status update regarding the request.

11. As of the date of filing CPD has not responded further to LPL, nor has it produced

any records in response to the request.

OCTOBER 9 FOIA REQUEST (TACTICAL RESPONSE REPORTS)

12. On October 9, 2018, LPL requested from CPD under FOIA "all tactical response reports (TRRs) for the 1st of September 2018." A true and correct copy of the request is attached as Exhibit D.

13. CPD acknowledged receipt of the request on October 10, 2018. A true and correct copy of the acknowledgment is attached as Exhibit E.

14. On October 10, 2018, CPD also took a five day extension. A true and correct copy of the extension letter is attached as Exhibit F.

15. Between October 25, 2018 and November 22, 2018, LPL sent four messages seeking a status update regarding the request.

16. CPD issued a response on November 23, 2018, stating that the request "is still being processed." A true and correct copy of the message is attached as Exhibit G.

17. As of the date of filing CPD has not responded further to LPL, nor has it produced any records in response to the request.

OCTOBER 25 FOIA REQUEST

18. On October 25, 2018, LPL requested from CPD under FOIA "[t]he monthly unit-level overtime reports for each unit in the Chicago Police Department for the months within the range January 1st, 2017 to May 1st, 2018." A true and correct copy of the request is attached as Exhibit H.

19. On November 1, 2018, CPD took a 5 day extension. A true and correct copy of the extension letter is attached as Exhibit I.

20. After the extension deadline had passed, LPL sent two follow-up messages

seeking the status of the request.

21. As of the date of filing CPD has not responded further to LPL, nor has it produced any records in response to the request.

OCTOBER 26 FOIA REQUEST

22. On October 26, 2018, LPL requested the following records from CPD under FOIA: "The Chicago Police Department has used Face/facial recognition technology since 2013, as quoted by Alderman Ed Burke in R2018-839 of the Chicago Finance Committee notes through a vendor named Neoface. I am seeking the following documents pertaining to this partnership: contracts, manuals or signed agreements between CPD and Neoface, any policies or internal standard operating procedures pertaining to the use of Neoface, any e-mail communications pertaining to the acquisition and use of this technology between CPD and Neoface, any memos, field notes, or other written documents pertaining to the usage of this technology in the field." A true and correct copy of the request is attached as Exhibit J.

23. On November 2, 2018, CPD took a 5 day extension. A true and correct copy of the extension letter is attached as Exhibit K.

24. After the extension deadline had passed, LPL sent three follow-up messages seeking the status of the request.

25. As of the date of filing CPD has not responded further to LPL, nor has it produced any records in response to the request.

COUNT I – OCTOBER 9 (LICENSE PLATE READERS) FAILURE TO PRODUCE RECORDS

26. The above paragraphs are incorporated by reference.

27. CPD is a public body under FOIA.

28. The records sought in LPL's FOIA request are non-exempt public records of

CPD.

29. CPD violated FOIA by failing to respond to the FOIA requests by the required deadline.

**COUNT II – OCTOBER 9 (LICENSE PLATE READERS)
WILLFUL AND INTENTIONAL VIOLATION OF FOIA**

30. The above paragraphs are incorporated by reference.
31. CPD is a public body under FOIA.
32. The records sought in LPL's FOIA request are non-exempt public records of CPD.
33. CPD willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

**COUNT III - OCTOBER 9 (TACTICAL RESPONSE REPORTS)
FAILURE TO PRODUCE RECORDS**

34. The above paragraphs are incorporated by reference.
35. CPD is a public body under FOIA.
36. The records sought in LPL's FOIA request are non-exempt public records of CPD.
37. CPD violated FOIA by failing to respond to the FOIA requests by the required deadline.

**COUNT IV - OCTOBER 9 (TACTICAL RESPONSE REPORTS)
WILLFUL AND INTENTIONAL VIOLATION OF FOIA**

38. The above paragraphs are incorporated by reference.
39. CPD is a public body under FOIA.
40. The records sought in LPL's FOIA request are non-exempt public records of CPD.

41. CPD willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

COUNT V - OCTOBER 25 FAILURE TO PRODUCE RECORDS

42. The above paragraphs are incorporated by reference.
43. CPD is a public body under FOIA.
44. The records sought in LPL's FOIA request are non-exempt public records of CPD.
45. CPD violated FOIA by failing to respond to the FOIA requests by the required deadline.

COUNT VI - OCTOBER 25 WILLFUL AND INTENTIONAL VIOLATION OF FOIA

46. The above paragraphs are incorporated by reference.
47. CPD is a public body under FOIA.
48. The records sought in LPL's FOIA request are non-exempt public records of CPD.
49. CPD willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

COUNT VII - OCTOBER 26 FAILURE TO PRODUCE RECORDS

50. The above paragraphs are incorporated by reference.
51. CPD is a public body under FOIA.
52. The records sought in LPL's FOIA request are non-exempt public records of CPD.
53. CPD violated FOIA by failing to respond to the FOIA requests by the required deadline.

COUNT VIII - OCTOBER 26 WILLFUL AND INTENTIONAL VIOLATION OF FOIA

54. The above paragraphs are incorporated by reference.
55. CPD is a public body under FOIA.
56. The records sought in LPL's FOIA request are non-exempt public records of CPD.
57. CPD willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

WHEREFORE, LPL asks that the Court:

- i. in accordance with FOIA Section 11(f), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way;
- ii. declare that CPD has violated FOIA;
- iii. order CPD to produce the requested records;
- iv. enjoin CPD from withholding non-exempt public records under FOIA;
- v. order CPD to pay civil penalties;
- vi. award Plaintiff reasonable attorneys' fees and costs;
- vii. award such other relief the Court considers appropriate.

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

Attorneys for Plaintiff
LUCY PARSONS LABS

Matthew Topic
Joshua Burday
Merrick Wayne
LOEVY & LOEVY
311 North Aberdeen, 3rd Floor
Chicago, IL 60607
312-243-5900
foia@loevy.com
Atty. No. 41295



To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

As mentioned in Special Order S03-20, it mentions that there are Automatic License Plate Reader Systems that are fixed onto structures such as poles, traffic barriers, or bridges.

I am requesting documents sufficient to show the location of every fixed Automatic License Plate Reader system in the City of Chicago.

This document should be provided in a machine readable format.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Exhibit A

Sincerely,



Subject: Non-Commercial FOIA Request :: P461516-100918

[Email](#)

Dear Tito :

Exhibit B

Thank you for your interest in information from the Chicago Police Department. Your FOIA request has been received and is being processed. Your FOIA Center reference number for tracking purposes is: P461516-100918

2018CH45587
FILED DATE: 10/12/2018 2:37 PM

You have requested the following records: As mentioned in Special Order S03-20, it mentions that there are Automatic License Plate Reader Systems that are fixed onto structures such as poles, traffic barriers, or bridges. I am requesting documents sufficient to show the location of every fixed Automatic License Plate Reader system in the City of Chicago.

Chicago Police Department (CPD) responds to all public records requests in accordance with the Illinois Freedom of Information Act (FOIA), 5 ILCS 140/1 et seq. If further time is needed to assemble and copy all documents responsive to your FOIA request, we will contact you with a time estimate and a request to extend. You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Thank you for using the Chicago FOIA Center. To monitor the progress or update this request please log into the

Chicago Public Safety Record System. (https://CHICAGOPS.mycusthelp.com/WEBAPP/_rs/RequestEdit.aspx?rid=461516&coid=79F4034E316D)



October 16, 2018

Tito Broz

requests@muckrock.com

Exhibit C

Dear Requester:

The Chicago Police Department received your Freedom of Information Act Request on October 10, 2018. Under the Freedom of Information Act, a public body may extend the time to respond to a FOIA request by up to 5 business days for a limited number of reasons. Pursuant to Section 5 (ILCS 40/3(e)) of the Act, the CPD is extending the time to respond to your request by 5 business days from the original due date for the following reason(s):

The requested records are stored in whole or in part at other locations other than the office having charge of the requested records;

The requested records require the collection of a substantial number of specified records;

The request is couched in categorical terms and requires an extensive search for the records responsive to it;

The requested records have not been located in the course of routine search and additional efforts are being made to locate them;

The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure or should be revealed only with appropriate deletions;

The request for records cannot be complied by the public body within the time limits prescribed by the Freedom of Information Act, 5 ILCS 140/3(c), without unduly burdening or interfering with the operations of the public body;

There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of any public body having a substantial interest in the determination or in the subject matter of the request.

You will receive notification from CPD on or before October 23, 2018.

Thank you,

Chicago Police Department

FOIA Section

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering that message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this document is strictly prohibited.



Subject: Illinois Freedom of Information Act. Request: Tactical Response Reports September 1st 2018

[Email](#)

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

As mentioned in General Order G03-02-05 02:

I am seeking all tactical response reports (TRRs) for the 1st of September 2018.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Tito Broz

Exhibit D

From: Chicago Police Department

10/10/2015

Subject: Non-Commercial FOIA Request - P461664-101018

Email

Dear Tito:

Thank you for your interest in information from the Chicago Police Department. Your FOIA request has been received and is being processed. Your FOIA Center reference number for tracking purposes is: P461664-101018

DATE: 12/17/2018 2:37 PM - 2018CH15587
You have requested the following records. As mentioned in General Order G03-02-05-02, I am seeking all tactical response reports (FRMs) for the 1st of September 2018. The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

Chicago Police Department (CPD) responds to all public records requests in accordance with the Illinois Freedom of Information Act (FOIA), 5 ILCS 140/1 et seq. If further time is needed to assemble and copy all documents responsive to your FOIA request, we will contact you with a time estimate and a request to extend. You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Thank you for using the Chicago FOIA Center. To monitor the progress or update this request please log into the

Chicago Public Safety Record System. (https://CHICAGO.PS.mycusthelp.com/WEBAPP/_rs/RequestEdit.aspx?rid=461664&co_id=79F4034E316D)

Exhibit E



Rahm Emanuel
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

10 October 2018

Tito Broz
62191-83089244@requests.muckrock.com

NOTICE OF EXTENSION TO FOIA REQUEST
FOIA FILE NO.: P461664

Dear Mr. Broz:

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA). In it, you request:

... all tactical response reports (TRRs) for the 1st of September 2018

Under the Freedom of Information Act, a public body may extend the time to respond to a FOIA request by up to 5 business days for a limited number of reasons. 5 ILCS 140/3(e). We are extending the time to respond to your request by 5 business days for the following reason(s):

- () the requested records, if any exist, are stored in whole or in part at other locations than the office having charge of the requested records;
- () the request may require the collection of a substantial number of specified records, if any exist;
- () the request is couched in categorical terms and may require an extensive search for the records responsive to it;
- () the requested records have not been located in the course of routine search and additional efforts are being made to locate them;
- () the requested records, if any exist, may require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of the Freedom of Information Act or should be revealed only with appropriate deletions;
- (X) the request for records cannot be complied with by the public body within the time limits prescribed by paragraph (c) of this Section without unduly burdening or interfering with the operations of the public body;
- () there is need for consultation, which shall be concluded with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

If you require additional assistance, please contact this office at (312) 745-5308.

Sincerely,

Freedom of Information Officer

Chicago Police Department
Attention Freedom of Information
Legal Affairs Unit
3510 S. Michigan Ave
Chicago, IL 60653



Subject: RE: Illinois Freedom of Information Act. Request: Tactical Response Reports September 1st 2018

Exhibit G



To Whom It May Concern:

I wanted to follow up on the following Illinois Freedom of Information Act. request, copied below, and originally submitted on Oct. 9, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: Chicago Police Department

11/23/2018



Subject: Re: Illinois Freedom of Information Act. Request: Tactical Response Reports September 1st 2018



Good morning,

FOIA P461664 is still being processed.

Thank you for your patience,

CPD FOIA Intake

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering that message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this document is strictly prohibited.

Overtime Unit Level Reports 2017



Sanjin I <sanjin@lucyparsonslabs.com>

Thu, Oct 25, 4:50 PM



to FOIA ▾

To whom it may concern:

Pursuant to the Illinois Freedom of Information Act,

I hereby request the following records:

-The monthly unit-level overtime reports for each unit in the Chicago Police Department for the months within the range January 1st, 2017 to May 1st 2018.

This report is described in CPD Directive E02-02-02 Section III. Part E. Subsection 3: "On a monthly basis, the Director, Finance Division, will utilize the unit-level reports to prepare a Department-wide overtime analysis report and forward it through the chain of command to the Superintendent"

These unit level reports will be made or retained by the Finance Division Director and held by the Superintendent, so I request that these documents be made public.

The department-wide overtime analysis report was already released to me, so now I am requesting the unit-level reports that created the overtime analysis report for the department wide.

Thank you,

Sanjin Ibrahimovic
Lucy Parsons Labs

Exhibit H



Rahm Emanuel
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

1 November 2018

Sanjin Ibrahimovic
sanjin@lucyparsonslabs.com

NOTICE OF EXTENSION TO FOIA REQUEST
FOIA FILE NO.: P463184

Dear Sanjin:

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA). In it, you request:

... the monthly unit-level overtime reports for each unit in the Chicago Police Department for the months within the range January 1st, 2017 to May 1st 2018

Under the Freedom of Information Act, a public body may extend the time to respond to a FOIA request by up to 5 business days for a limited number of reasons. 5 ILCS 140/3(e). We are extending the time to respond to your request by 5 business days for the following reason(s):

- () the requested records, if any exist, are stored in whole or in part at other locations than the office having charge of the requested records;
- () the request may require the collection of a substantial number of specified records, if any exist;
- () the request is couched in categorical terms and may require an extensive search for the records responsive to it;
- () the requested records have not been located in the course of routine search and additional efforts are being made to locate them;
- () the requested records, if any exist, may require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of the Freedom of Information Act or should be revealed only with appropriate deletions;
- (X) the request for records cannot be complied with by the public body within the time limits prescribed by paragraph (c) of this Section without unduly burdening or interfering with the operations of the public body;

- () there is need for consultation, which shall be concluded with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

If you require additional assistance, please contact this office at (312) 745-5308.

Sincerely,

Freedom of Information Officer

Chicago Police Department
Attention Freedom of Information
Legal Affairs Unit
3510 S. Michigan Ave
Chicago, IL 60653

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

The Chicago Police Department has used Face/facial recognition technology since 2013, as quoted by Alderman Ed Burke in R2018-839 of the Chicago Finance Committee notes through a vendor named Neoface. I am seeking the following documents pertaining to this partnership:

- Contracts, manuals, or signed agreements between CPD and Neoface
- Any policies or internal standard operating procedures pertaining to the use of Neoface
- Any e-mail communications pertaining to the acquisition and use of this technology between CPD and Neoface
- Any memos, field notes, or other written documents pertaining to the usage of this technology in the field

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Tito Broz

Exhibit J

November 2, 2018

Tito Broz

62851-28508191@requests.muckrock.com

Dear Requester:

The Chicago Police Department received your Freedom of Information Act Request on October 26, 2018. Under the Freedom of Information Act, a public body may extend the time to respond to a FOIA request by up to 5 business days for a limited number of reasons. Pursuant to Section 5 ILCS 140/3(e) of the Act, the CPD is extending the time to respond to your request by 5 business days from the original due date for the following reason(s):

(x) The requested records are stored in whole or in part at other locations other than the office having charge of the requested records;

() The requested records require the collection of a substantial number of specified records;

() The request is couched in categorical terms and requires an extensive search for the records responsive to it;

() The requested records have not been located in the course of routine search and additional efforts are being made to locate them;

() The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure or should be revealed only with appropriate deletions;

Exhibit K

() The request for records cannot be complied by the public body within the time limits prescribed by the Freedom of Information Act, 5 ILCS 140/3(c), without unduly burdening or interfering with the operations of the public body;

() There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of any public body having a substantial interest in the determination or in the subject matter of the request.

You will receive notification from CPD on or before November 9, 2018.

Thank you,

Chicago Police Department

FOIA Section

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering that message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this document is strictly prohibited.

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail (or the person responsible for delivering this document to the intended recipient), you are hereby notified that any dissemination, distribution, printing or copying of this e-mail, and any attachment thereto, is strictly prohibited. If you have received this e-mail in error, please respond to the individual sending the message, and permanently delete the original and any copy of any e-mail and printout thereof.